

### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet" of drawings includes changes to Figures 1 and 2. The attached "Replacement Sheet," which includes Figures 1 and 2, replaces the original sheet.

Attachment: Replacement Sheet

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**REMARKS**

Claims 1-5 are now pending in the application. Claim 1 has been amended. The amendments to the claims contained herein are intended to be of equivalent scope as originally filed and therefore may not be narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

**DRAWINGS**

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. In the "Replacement Sheet", reference numeral "26" in Figures 1 and 2 has replaced reference numeral "12" in order to indicate the passage 26. Also, reference numeral "32" has been added to Figure 2 to indicate the hydraulic dam 32.

**SPECIFICATION**

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

## REJECTION UNDER 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schnitzer (2002/0053489). Reexamination in view of the amendments and following comments is respectfully requested.

Schnitzer discloses an oil sump 1 and an oil reservoir 2. A flow passage having a compensation valve 11 (or equalization valve 11) is provided between the oil sump 1 and the oil reservoir 2, as seen in Figures 1 and 2. Oil flows from the reservoir 2 to the oil sump 1 when the compensation valve 11 is opened. (Page 2, paragraphs [0020] and [0022]).

Claim 1 has been amended to recite that "said rotating transmission component being operable to impose a centrifugal component to the fluid in an open passage between the sump and the second fluid storage chamber to create a flow restriction to interrupt fluid communication between said sump and said second fluid storage chamber[...]" This "open passage" is described in the specification in paragraph [0014] and indicated by reference numeral 28 in Figures 1 and 2. The open passage 28 connects the sump 16 with the reservoir 18 and is where the hydraulic dam 32 is formed. Schnitzer does not disclose an "open passage" between fluid chambers as described in claim 1 of the present invention as the flow passage in Schnitzer is regulated by the compensation valve 11.

Schnitzer further discloses moving oil from the oil sump 1 into the oil reservoir 2 using the rotating gears 7. (Page 2, paragraph [0021]. As can be seen in Figure 2, the rotating gears 7 are disposed remotely from the flow

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passage having the compensation valve 11. Claim 1 of the present invention recites that the rotating component induces a centrifugal component on the fluid *in the open passage*. Schnitzer does not disclose this feature since the rotating gears 7 are not located proximate to the flow passage having the compensation valve 11. Any centrifugal component provided to the fluid by the rotating gears 7 in Schnitzer is near the open top of the reservoir 2 and not in the flow passage.

Finally, as noted above, claim 1 recites that a centrifugal component is provided to the fluid by a rotating component to create a flow restriction to interrupt fluid communication between the sump and the second fluid storage chamber. This flow restriction is the hydraulic dam 32 located within the passage 28 as seen in Figure 2 of the present invention and described in paragraph [0016]. Schnitzer does not disclose this feature. The rotating gears 7 in Schnitzer do not create a flow restriction or a hydraulic dam anywhere within the assembly to restrict flow. Instead, flow restriction is controlled by opening or closing the compensation valve 11.

For the above reasons, Applicant asserts that claim 1 is patentably distinguishable from the prior art and is now in a condition for allowance. Claims 2-5 depend from claim 1 and therefore Applicant asserts that claims 2-5 are also in a condition for allowance for at least the same reasons as given for claim 1.

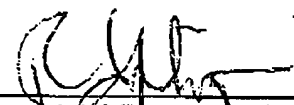
### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner

reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Therefore, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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